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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

T.B., a minor, ALLISON BRENNEISE and ROBERT BRENNEISE, Plaintiffs, v. SAN DIEGO UNIFIED SCHOOL DISTRICT Defendant.	Case No.: 08 CV 0028 WQH (WMc) (Consolidated with 08 CV 0039)
SAN DIEGO UNIFIED SCHOOL DISTRICT, Plaintiff, v. T.B., a minor, ALLISON BRENNEISE and ROBERT BRENNEISE, STEVEN WYNER and WYNER & TIFFANY Defendants.	DECLARATION OF STEVEN WYNER IN SUPPORT OF DEFENDANTS' OPPOSITION TO MOTION FOR CERTIFICATION

I, STEVEN WYNER, declare as follows:

1. I am an attorney and partner in the law office of Wyner & Tiffany, attorneys of

record for T.B. ("Student"), Allison Brenneise and Robert Brenneise ("Parents"), (collectively, "Defendants").

2. I offer my declaration in lieu of personal testimony in support of Defendants' OPPOSITION TO SAN DIEGO UNIFIED SCHOOL DISTRICT'S MOTION FOR CERTIFICATION. The facts stated herein are personally known to me and if sworn as a witness, I could and would competently testify to the truthfulness thereof.

3. On July 31, 2006, I filed a Compliance Complaint with the California Department of Education ("CDE") on behalf of Defendants, which resulted in CDE Investigation and Compliance Report S-0082-06/07, dated November 1, 2006.

4. The CDE amended its November 1, 2006 Compliance Report on both November 3, 2006 and November 7, 2006.

5. The CDE's Compliance Report in case # S-0082-06/07 found the District non-compliant for failing to implement T.B.'s July 17, 2006 IEP during the extended school year immediately preceding the 2006-2007 school year. The CDE ordered the District to provide compensatory education to T.B. in the form of 24 hours of English Language Arts instruction and 80 minutes of Adapted Physical Education ("APE").

6. During a break at an IEP meeting sometime after the CDE issued its Compliance Report and Order, Ms. Elizabeth Estes, counsel for Petitioner San Diego Unified School District ("District") told me, that I should submit a written request for reimbursement for the legal fees Defendants incurred in connection with their successful compliance complaint.

7. On October 26, 2007, I sent a written request to the District seeking reimbursement, within 45 days pursuant to *Lucht v. Molalla River Sch. Dist.*, 225 F. 3d 1023 (9th Cir. 2000), for the reasonable attorneys' fees incurred by Defendants in connection with their successful compliance complaint and

attached a copy or a redacted invoice.

8. The redacted invoice attached to my October 26, 2007 letter shows that the reasonable attorneys' fees incurred in connection with Defendants successful compliance complaint amounted to seven thousand ninety dollars and fifty cents ($7,090.50).

9. The total attorneys' fees and costs incurred in connection with the due process case currently under appeal in the U.S. District Court for the Southern District of California (OAH Case Nos. N2006120002 / N2007010848) exceeds $800,000.

10. I declare under penalty of perjury of the laws of the State of California and the United States of America that the foregoing is true and correct to the best of my knowledge. Executed this 4th day of August 2008, at Torrance, California.

Steven Wyner

STEVEN WYNER

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of 18 and that I am not a party to this action. On August 4, 2009, I served this DECLARATION OF STEVEN WYNER IN SUPPORT OF DEFENANT'S OPPOSITION TO SAN DIEGO UNIFIED SCHOOL DISTRICT'S MOTION FOR CERTIFICATION on the San Diego Unified School District by serving their counsel of record electronically, having verified on the court's CM/ECF website that such counsel is currently on the list to receive emails for this case, and that there are no attorneys on the manual notice list.

Dated: August 4, 2008 /s/ Marcy J.K. Tiffany